

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JERROD BAILEY,)
Petitioner,) Case No. 1:13-cv-42-SJM-SPB
v.)
THE STATE OF PENNSYLVANIA,)
et al.,)
Respondents.)

MEMORANDUM ORDER

The instant petition for writ of habeas corpus was received by the Clerk of Court on February 11, 2013 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Report and Recommendation, filed on March 13, 2013 [4], recommends that the instant habeas petition be dismissed without prejudice for failure to prosecute and the Petitioner's motion for injunctive relief [3] be denied. The Petitioner was given fourteen (14) days from the date of service in which to file objections. Service was made on Petitioner by certified mail at his current address of record; however, no objections to the Report and Recommendation have been filed to date.

After de novo review of the petition and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 4th Day of April, 2013;

IT IS ORDERED that the instant petition for writ of habeas corpus shall be, and hereby is, DISMISSED without prejudice for failure to prosecute.

In light of the foregoing, IT IS FURTHER ORDERED that Petitioner's motion for injunctive relief [3] shall be, and hereby is, DENIED, and the within case shall be marked "CLOSED."

The Report and Recommendation of Magistrate Judge Baxter, filed on March 13, 2013 [4], is adopted as the opinion of the Court.

s/ Sean J. McLaughlin

SEAN J. McLAUGHLIN
United States District Judge

Cm: All parties of record.

U.S. Magistrate Judge Susan Paradise Baxter